

specifically to sell products and because its programming is live 24-hours per day, closed-captioning will impose a unique burden on QVC.

\* \* \*

As the foregoing discussion demonstrates, the economic burden that would be imposed on QVC were it required to close caption its service would be substantial. By contrast, the incremental benefit to QVC's hearing-impaired viewers from closed captioning would be low or non-existent. In fact, in several critical respects, closed captioning would actually reduce the quality of the viewing experience for such individuals. In short, QVC clearly qualifies for an exemption from the closed captioning requirements under Section 713(d)(1)'s "economically burdensome" test.

**V. THE FCC SHOULD ALSO EXEMPT THE ENTIRE CLASS OF HOME SHOPPING SERVICES IN THIS PROCEEDING.**

As shown above, the grant of an individual exemption for QVC in this proceeding is fully consistent with Section 713(d)(1). Therefore, it does not matter whether all (or any) of the other individual services comprising the "class" of home shopping programming also seek an exemption under Section 713(d)(1).

However, since all home shopping services have the same fundamental characteristics as QVC (namely, programming in which all the essential product and ordering information is conveyed visually on the screen, and for which closed captioning would be extremely expensive and detrimental to the quality and value of

the programming), an exemption for the class of such services is warranted under Section 713(d)(1).

In this regard, QVC strongly disagrees with the Commission's tentative conclusion that the class of home shopping programming should not be exempt. The Commission bases this tentative conclusion on its belief that not "all of the descriptive material and information provided by home shopping program hosts is currently available in textual form on the television screen."<sup>36</sup> QVC respectfully submits that the question should not be whether the host's oral discussion is 100% reproduced in on-screen text and/or graphics. Rather, it is whether the programming, taken as a whole, is accessible to the hearing-impaired community.<sup>37</sup> In other words, does the programming textually and graphically convey all the information necessary for a hearing-impaired viewer to enjoy and utilize the service? If so, the statute's economically burdensome test cannot support requiring the service (or class of such services) to undertake the extraordinary economic burden of closed captioning.

As demonstrated in Section III, supra, the inherent visual nature of the QVC service alone makes it fully accessible to the

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<sup>36</sup> Notice at ¶ 78 (emphasis added).

<sup>37</sup> The Notice's discussion of "primarily textual" services comes a bit closer to the mark: "We believe that a requirement for captioning [primarily textual] programming is unnecessary because information is already provided visually, with little or no relevant audio track."). Notice at ¶ 73 (emphasis added).

hearing-impaired community. Since all home shopping services share this fundamental characteristic, and since the economic burden to close caption such services would be equally substantial, QVC submits that the class of home shopping services should be exempted from the Commission's closed captioning requirements.

Finally, such a finding for the class of home shopping services is particularly warranted in light of the scarce closed captioning resources that will be available to caption live programming. As noted, the Commission has properly recognized that there is an insufficient number of qualified captioners to meet the demand for captioning that will arise from its order in this proceeding.<sup>38</sup> If the Commission fails to take this critical fact into account and grant exemptions to classes of services that have extensive textual and graphic representation of their programming, it will spread these scarce captioning resources more thinly than is necessary or achievable. Such an approach would be particularly unjustified in light of Congress' clear expectation that only "most," not all or virtually all, new programming "will be closed captioned."<sup>39</sup>

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<sup>38</sup> See footnote 13, supra.

<sup>39</sup> House Report at 114.

### CONCLUSION

Based on the foregoing comments, QVC respectfully urges the Commission to exempt the QVC programming service, as well as all other home shopping services, from the Commission's closed captioning requirements, as part of the order it adopts in this proceeding.

Respectfully submitted,  
QVC, INC.

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Its Attorneys

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February 28, 1997

**A**

A-280001

Size

Position

Site

Book

RETAIL

Price

QVC Price

QVC Price

QVC Price

Sizes Available

6 to 10, 11, 12

**A-39082**

**Hooded  
Wool Jacket  
with Faux Fur  
Trim**

**RETAIL VALUE  
\$156.00**

**QVC PRICE  
~~\$109.50~~**

**Sale \$55.47**

**Sizes Available  
S, M, L, XL**

**QVC 1-800-345-1515**

**anti  
style**

Royal  
3-Sheet  
Paper Shredder  
w/ Wastebasket

QVC PRICE  
\$55.00

S&H \$6.72

INTRODUCTORY  
PRICE  
\$49.96

QUANTITY  
ORDERED  
976

2 PAYMENTS OF  
\$24.98

QVC 1-800-345-1515

2:13  
TIME LEFT



Next Hour...  
Hershey's  
Sweet Treats

Followed By...

Around  
the House

INTRODUCTORY  
PRICE

\$49.96

QUANTITY  
ORDERED  
1555

**QVC** 1-800-345-1515

The QVC  
Sampler

**B**

Dirt does not  
travel through

Motorfan

Clean Air

QY-C 1-800-345-1515

**C**

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**The Betty and Leonard Phillips Deaf Action Center of Louisiana**



# ***EQUIPMENT DISTRIBUTION***

A Service of the Deaf Action Center and the  
**Louisiana Commission for the Deaf**

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## **Eligibility for Distribution Program**

Louisiana citizens, whose hearing or speech disabilities require the use of a telecommunication device for the deaf (TDD), telebrailler (TB), large visual display (LVD), or amplification equipment, are eligible for the Louisiana Commission for the Deaf's Telephone Access Program. The program loans TDDs, TBs, LVDs, amplification equipment, and signalling devices to eligible individuals domiciled in Louisiana.

Equipment is loaned on a first-come, first-serve basis in accordance with the Department of Social Services policy to serving persons with severe-to-profound disabilities first. There is a limit of one per household, exceptions may be requested with written permission and approval from the LCD Executive Directors. Others may act in behalf of the consumer.

### **A. Telecommunication Device for the Deaf (TDD)**

A TDD is a special device that enables deaf people to use the telephone. This device is used to be called a TTY (short for teletypewriter), while the term TDD is more often used now. When the phone rings, the deaf person places the receiver on the coupler attached to the TDD. This device has a small keyboard and the conversation takes place by typing back and forth. The words are displayed on an LED panel. In order for a conversation to take place, there must be a TDD at both ends. However, states are now gbeing required to provide relay services to mediate communication between TDD and voice calls. A relay-service operator types what the hearing person says,

**D**

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http://www.qvc.com/depart.html

anytime  
anywhere

iQVC SHOP

iQVC • iQVC Shop

Assistance • What's New • Backstage • Corporate HQ

ORDER ONLINE!

ORDER BY PHONE:  
1-888-345-5788

Get  
Intercast  
Now!

Today's  
Special  
Value

Current  
On-Air  
Item

More  
Depart-  
ments

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Books

FEATURES:

Watch TV on Your PC with Intercast  
iQVC's Doll Showcase

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## Product Detail

### JVC KS-RT111 Mobile Cassette/ AM/FM Receiver - Black

Item Number E45313

Price \$139.99

Est. Shipping and Handling \$5.47



This JVC auto radio cassette deck features PLL synthesizer tuner w/24 presets (18FM /6AM), priority extra tuner preset, preset scan/seek, stereo/mono switch & European tuning switchable. Cassette features: U-turn auto reverse, EHP (extra-hard permalloy) head. Amplifier features: electronic control & bass/treble control, preamp fader. General features: digital clock, power antenna lead & detachable trim plate. Front or rear mountable. Measures 7.25"x 2.1"x 6". Black. LMW.

Color/Size:

Not applicable for this item

Quantity:

1



**F**

**A-38262**

**Hooded  
Wool Jacket  
with Faux Fur  
Trim**

**RETAIL VALUE  
\$156.00**

**QVC PRICE  
~~\$109.50~~**

**S&H \$5.47**



**Sizes Available  
S,M,L,XL**

**QVC 1-800-345-1515**

**amStyle**

THIS IS AN EXAMPLE OF CLOSED CAPTIONING IN THE UPPER  
THIRD OF THE PICTURE. IT OBSCURES THE PRODUCT ITSELF,  
AS WELL AS KEY DESCRIPTIVE AND ORDERING INFORMATION.

with Faux Fur  
Trim  
RETAIL VALUE  
\$156.00  
QVC PRICE  
~~\$109.50~~  
S&H \$5.47

Sizes Available  
S,M,L,XL

**QVC 1-800-345-1515** *and* **Style**

**A-38262**

**Hooded  
Wool Jacket  
with Faux Fur  
Trim**

**RETAIL VALUE  
\$156.00**

**QVC PRICE  
~~\$109.50~~**

**\$84.95, 47**

**Sizes Available  
S, M, L, XL**

**THIS IS AN EXAMPLE OF CLOSED CAPTIONING IN THE LOWER  
THIRD OF THE PICTURE. IT OBSCURES KEY PRICE AND  
ORDERING INFORMATION.**

**✓lyte**